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MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO, IL 60606

EXAMINER

ELAHEE, MD S

ART UNIT PAPER NUMBER

2645

DATE MAILED: 07/19/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/739,716

Applicant(s)

TURNER ET AL.

Examiner

Md S Elahee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2, 14 and 45-489 is/are pending in the application.
4a) Of the above claim(s) 1-13, 30-35, 39-41, 43 and 44 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 14-29 and 45-48 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Response to Amendment

1. This action is responsive to an amendment filed on 01/14/04 and 05/04/04. Claims 14-29 and 45-48 are pending. Claims 1-13, 30-35, 39-41, 43 and 44 have been withdrawn.

Response to Arguments

2. Applicant's arguments with respect to claims 45-48 have been fully considered but they are not persuasive.

Regarding claim 45, the Applicant argues on page 29, lines 18-20 that Kung teaches using one cookie to authorize calls for particular time period instead of using one cookie for each individual call. The examiner disagrees with this argument. Because, Kung does disclose if the intercom call is to be billed, then a server may download a cookie (e.g., a token) to the subscriber member's BRG (col.35, lines 13-19). Thus the rejection of the claim in view of Kung remain.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 45 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession

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of the claimed invention. Regarding claim 45, the word 'aligning' is not disclosed in the original specification.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 45 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 45, the word 'aligning' is indefinite because it is unclear what the word is.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 14-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kung et al. (U.S. Patent No. 6,252,952) and in view of Johnson (U.S. Patent No. 6,741,692).

Regarding claim 14, Kung teaches receiving a call request at one of a residential and voice gateway from at least one of a Public Switched Telephone Network and a plurality of private users (fig.1, fig.5; col.25, lines 53-67; 'voice gateway' reads on the claim 'trunk gateway').

Kung further teaches determining the physical location of the called party (fig.5; col.26, lines 27-40, 65-67, col.27, lines 1-17).

Kung fails to teach “evaluating a set of privileges associated with the calling and called party, and negotiating a set of terminating options supplied by the called party, to establish permission to set up the call and to identify a precise terminating networking address from amongst a plurality of such addresses”. Johnson teaches evaluating a set of priorities associated with the calling and called party, and negotiating a set of terminating options supplied by the called party, to establish permission to set up the call and to identify a precise terminating networking address from amongst a plurality of such addresses (abstract; col.2, lines 13-26, col.3, lines 30-57, col.4, lines 8-13; ‘priorities’ reads on the claim ‘privileges’). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kung to allow evaluating a set of privileges associated with the calling and called party, and negotiating a set of terminating options supplied by the called party, to establish permission to set up the call and to identify a precise terminating networking address from amongst a plurality of such addresses as taught by Johnson. The motivation for the modification is to have doing so in order to handle the call between the calling and the called party based on the priority.

Kung further teaches determining a least cost route to set up the call (col.8, lines 28-34, col.10, lines 26-30; ‘least cost route’ reads on the claim ‘optimum route’).

Kung further teaches establishing the least cost route and matching the call request with a call at a network termination point of the called party (col.8, lines 28-34, col.10, lines 26-30; ‘least cost route’ reads on the claim ‘optimum route’).

Regarding claim 15, Kung teaches translating between a network address associated with the call request in a system management server and a customer address for calls between the plurality of private users (col.7, lines 26-62, col.8, lines 15-27, col.10, lines 54-67, col.11, lines 1-6, col.12, lines 1-11; 'system management server' reads on the claim 'directory server').

Kung further teaches translating between the network address and an Internet Protocol address in a domain name service server (col.7, lines 26-62, col.10, lines 54-67, col.11, lines 1-6, col.12, lines 1-11; 'domain name service server' reads on the claim 'domain name server').

Regarding claim 16, Kung teaches generating a network address from a user name (col.7, lines 26-62).

Regarding claim 17, Kung teaches translating a network address includes the system management server determining if the call request associated with one of the Public Switched Telephone Network and the plurality of private users (col.7, lines 26-62, col.8, lines 15-27, col.10, lines 54-67, col.11, lines 1-6, col.12, lines 1-11; 'system management server' reads on the claim 'directory server').

Regarding claim 18, Kung teaches passing the call request from the residential gateway to a call manager (fig.1, fig.5; col.25, lines 53-67; 'call manager' reads on the claim 'call agent').

Regarding claim 19, Kung teaches determining if the call request is associated with one of the Public Switched Telephone Network and the plurality of private users further comprises determining if the dialed digits are preceded by an escape prefix (fig.1, fig.5; col.25, lines 53-67, col.26, lines 1-41).

Regarding claim 20, Kung teaches that evaluating a set of priorities comprises evaluating at least one of routing preferences, bandwidth reservation, and overriding a busy status of the called party (fig.5; col.6, lines 19-33, col.15, lines 38-67, col.16, lines 1-5, col.34, lines 52-55; 'priorities' reads on the claim 'privileges').

Regarding claim 21, Kung teaches that a computer readable medium having stored therein a set of instructions for causing a processing unit to execute the steps of the method (col.9, lines 39-67, col.10, lines 1-9).

Regarding claim 22, Kung teaches evaluating an external similar set of priorities it is determined that the called party is in an external telephone network system, launching simultaneous person locator queries to the system management servers of the external telephone network systems (fig.1, fig.5; col.6, lines 19-33, col.8, lines 15-27, col.26, lines 27-40; 'priorities' reads on the claim 'privileges' and 'system management servers' reads on the claim 'directory servers').

Regarding claim 23, Kung teaches that the system management server further comprises a suite of user specific features such as speed call, selective call forwarding, time-of-day routing, together with associated lists of numbers (col.8, lines 15-27; 'system management server' reads on the claim 'directory server').

Regarding claim 24, Kung teaches recognizing and providing a network address to a roaming user using a local service management system (col.10, lines 54-67, col.11, lines 1-6, col.23, lines 13-39; 'local service management system' reads on the claim 'portability server').

Regarding claim 25, Kung teaches a Public Switched Telephone Network (fig.1, fig.2).

Kung further teaches that an Internet Protocol network in communication with the Public Switched Telephone Network using at least one of voice gateway, a call manager and a router (fig.1, fig.2; col.7, lines 26-62; 'voice' reads on the claim 'trunk' and 'call manager' reads on the claim 'call agent').

Kung further teaches a server-based interface for translating between at least one address on the Public Switched Telephone Network and at least one address on the Internet Protocol Network (col.10, lines 54-67, col.11, lines 1-6, col.12, lines 1-11).

Regarding claim 26, Kung teaches that the server-based interface includes a system management server, the domain name service server, a proxy server and the local service management system (fig.1, fig.2; col.7, lines 26-62; 'system management server' reads on the claim 'directory server', 'local service management system' reads on the claim 'portability server' and 'domain name service server' reads on the claim 'domain name server').

Regarding claim 27, Kung teaches that the Public Switched Telephone Network and the Internet Protocol Network communicate using instructions provided to the trunk gateway by a client to agent protocol (col.7, lines 26-62, col.10, lines 54-67, col.11, lines 1-6, col.12, lines 1-11).

Regarding claim 28, Kung teaches that the client to agent protocol is a Media Gateway Control Protocol (col.10, lines 10-25).

Regarding claim 29, Kung teaches that providing a caller with one of at least reservation of Internet Protocol network bandwidth and continuous performance monitoring of the Internet Protocol network as input to per call routing decisions (fig.5; col.6, lines 19-33, col.15, lines 38-67, col.16, lines 1-5, col.34, lines 52-55).

9. Claims 45-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kung et al. (U.S. Patent No. 6,252,952) and in view of Thomas (U.S. Patent No. 6,751,652).

Regarding claim 45, Kung teaches returning a token from a server at a terminating gateway to a call manager in an originating gateway (fig.1, fig.2; col.5, lines 38-42, col.35, lines 8-25; 'server' reads on the claim 'proxy server' and 'call manager' reads on the claim 'call agent').

Kung further teaches inherently saving the token and all pertinent call data for the subsequent Public Switch Telephone Network call at the server (fig.1, fig.2; col.35, lines 8-25; 'server' reads on the claim 'proxy server').

Kung further teaches returning the token to the terminating gateway from the originating gateway, in the call, when a Public Switched Telephone Network voice path is eventually established (fig.1, fig.2; col.5, lines 38-42, col.35, lines 8-25).

Kung fails to teach "searching a database of calls in progress at the terminating end, obtained from the proxy server, for a match with the token returned". Thomas teaches making a query (i.e., searching a database) of calls in progress at the terminating end, obtained from the proxy server, for a match with the token returned (col.5, line 61-col.6, line 15). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kung to allow searching a database of calls in progress at the terminating end, obtained from the proxy server, for a match with the token returned as taught by Thomas. The motivation for the modification is to have doing so in order to check the valid token.

Kung further teaches aligning the at least one of Voice and Video over Internet Protocol signaling component of the hybrid call with the Public Switched Telephone Network component at both the originating gateway and terminating gateway of the call (col.6, lines 19-33).

Regarding claim 46, Kung teaches the token comprising of a long integer which is incremented with each subsequent request for a new token (col.35, lines 8-25).

Regarding claim 47, Kung teaches establishing a hybrid environment where a voice path for calls can be established via a Public Switched Telephone Network (fig.1, fig.2).

Kung further teaches determining at the time of setting up a Public Switched Telephone Network call that the destination for the call is within the Virtual Private Network, but at a different gateway (fig.1, fig.2; col.16, lines 6-22).

Kung further teaches populating the available characters of the Signaling System 7 parameter in the Initial Address Message with any proprietary data that needs to be sent to the other end, if the destination is within the Virtual Private Network, as determined by a target directory number (fig.1, fig.2; col.16, lines 6-22).

Kung further teaches extracting data from the available characters at the destination, if the source is within the Virtual Private Network, as determined by the calling line identity (col.16, lines 6-22, col.20, lines 10-55).

Regarding claim 48, Kung teaches populating the parameter with calling name information in accordance with the conventional Public Switched Telephone Network if the destination is external to the Virtual Private Network, as determined by the target

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directory number and wherein the parameter is a generic name parameter (fig.1, fig.2; col.16, lines 6-22, col.20, lines 10-55, col.24, lines 30-55).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Johnson (U.S. Patent No. 6,735,292) teach Method and system for priority call processing, Ahlberg et al. (U.S. Patent No. 5,600,704) teach Systems and methods for prioritized routing of telephone calls to a subscriber, Kallas et al. (U.S. Patent No. 6,701,366) teach Providing communications services and Chu et al. (U.S. Patent No. 6,629,144) teach Recovery of online sessions for dynamic directory services.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S Elahee whose telephone number is (703) 305-4822. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. E.

MD SHAFIUL ALAM ELAHEE
July 12, 2004

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

A handwritten signature in black ink, appearing to read 'Fan Tsang', with a stylized, flowing script.